

## Message Text

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AMCONSUL HONG KONG

C O N F I D E N T I A L STATE 203300

FOLLOWING REPEAT STATE 203300 ACTION WARSAW BUDAPEST  
BUCHAREST SOFIA PRAGUE BELGRADE BERLIN LENINGRAD MOSCOW  
INFO MUNICH 11 AUG 78.

QUOTE: C O N F I D E N T I A L STATE 203300

MUNICH FOR FRISBEE; BELGRADE AND WARSAW PASS CONSULATES

E.O. 11652: GDS

TAGS: SHUM, CVIS

SUBJECT: US POLICY CONCERNING DIPLOMATIC ASYLUM AND TEMPO-  
RARY REFUGE IN DIPLOMATIC AND CONSULAR PREMISES

1. RECENT INCIDENTS IN MOSCOW AND BUCHAREST HAVE PROMPTED  
THE DEPARTMENT TO REVIEW THE PROBLEMS INVOLVED FOR OUR POSTS  
IN EASTERN EUROPE AND THE SOVIET UNION IN APPLYING THE LONG-  
STANDING US POLICY, APPLICABLE WORLD-WIDE, AGAINST GRANTING  
DIPLOMATIC ASYLUM AND STRICTLY LIMITING PROVISION OF TEMPO-  
RARY REFUGE IN US DIPLOMATIC AND CONSULAR PREMISES. THIS  
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REVIEW HAS INCLUDED HUMANITARIAN, LEGAL, AND OPERATIONAL  
CONSIDERATIONS INVARIABLY INVOLVED IN SUCH CASES. WE HAVE  
CONCLUDED THAT US POLICY ON THIS ISSUE MUST BE REAFFIRMED;  
THAT REFUGE MAY BE EXTENDED ONLY IN EXTRAORDINARY CIRCUM-  
STANCES AS CONTEMPLATED IN FAM; AND THAT, WHEN NECESSARY TO  
AVOID ABUSES OF TEMPORARY REFUGE, POSTS SHOULD USE MEASURES  
APPROPRIATE UNDER THE CIRCUMSTANCES TO REMOVE PERSONS NOT

ENTITLED TO REMAIN ON OUR PREMISES. AS A GENERAL RULE, SUCH PERSONS SHOULD NOT REMAIN IN OUR PREMISES BEYOND THE CLOSE OF NORMAL WORKING HOURS.

2. POSTS ARE GENERALLY AWARE OF PENTECOSTAL PASSPORT DISSIDENT SIT-IN UNDERWAY AT EMBASSY MOSCOW. IN ADDITION, AN INCIDENT TOOK PLACE AT EMBASSY BUCHAREST AUGUST 3 IN WHICH

THREE ROMANIANS CONSTITUTING A PASSPORT DISSIDENT GROUP ATTEMPTED A HUNGER STRIKE, AND THEN TWO MEMBERS OF THE GROUP SET FIRE TO THEMSELVES IN CONSULAR WAITING ROOM TO PROTEST DENIAL OF EXIT PERMITS BY ROMANIAN AUTHORITIES. THE GROUP, PREVIOUSLY UNKNOWN TO THE EMBASSY AND ATTEMPTING TO EMIGRATE TO AUSTRIA AND NOT TO THE US, INFORMED EMBASSY BUCHAREST THEY WERE RESPONDING TO RADIO REPORTS OF PENTACOSTAL SIT-IN AT EMBASSY MOSCOW. SIX SIMILAR ATTEMPTS HAVE OCCURRED AT EMBASSY BUCHAREST IN RECENT WEEKS.

3. DEPARTMENT IS CONCERNED THAT ATTEMPTS TO REMAIN IN OUR DIPLOMATIC AND CONSULAR PREMISES MAY WELL MULTIPLY THROUGHOUT EASTERN EUROPE AND THE SOVIET UNION. SUCH EFFORTS CARRY THE POTENTIAL FOR SERIOUS FOREIGN RELATIONS AND SECURITY PROBLEMS, WHILE AT THE SAME TIME ALMOST INVARIABLY EXACERBATING RATHER THAN RESOLVING THE PROBLEMS OF THE INDIVIDUALS AND GROUPS CONCERNED.

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4. THE US DOES NOT REPEAT NOT RECOGNIZE OR PRACTICE DIPLOMATIC ASYLUM OR THE GRANTING OF ASYLUM WITHIN OUR DIPLOMATIC OR CONSULAR PREMISES, AND IS NOT A PARTY TO ANY INTERNATIONAL OR BILATERAL AGREEMENT WHICH DEALS WITH DIPLOMATIC ASYLUM. US PRACTICE AND DEPARTMENT REGULATIONS, 2 FAM 229.1, RECOGNIZE HUMANITARIAN OBLIGATION TO PROVIDE TEMPORARY REFUGE TO ANYONE, CITIZEN OR NON-CITIZEN, WHO MAY BE IN PHYSICAL DANGER. A KEY ASPECT OF TEMPORARY REFUGE IS THAT A PERSON GRANTED TEMPORARY REFUGE MUST LEAVE THE EMBASSY AS SOON AS CIRCUMSTANCES PERMIT AND FACE ANY LEGAL PROCEEDINGS WHICH MAY BE PENDING.

5. WE RECOGNIZE THAT EACH TIME AN INDIVIDUAL OR GROUP ATTEMPTS A SIT-IN OR OTHER ACTION ON US EMBASSY OR CONSULATE PREMISES INTENDED TO CALL ATTENTION TO THEIR SITUATION AND EXERT PRESSURE ON THE HOST GOVERNMENT, OUR POSTS ARE CONFRONTED WITH EXTREMELY DELICATE PROBLEMS REQUIRING COMPASSIONATE AND SKILLFUL HANDLING. AS A RULE, BECAUSE OF THE NATURE OF SUCH INCIDENTS, DIFFERING LOCAL CIRCUMSTANCES AND FREQUENT NEED FOR IMMEDIATE ON-THE-SPOT DECISIONS, IT WILL OFTEN BE NECESSARY FOR POSTS TO DEAL WITH THESE CASES WITHOUT GUIDANCE FROM THE DEPARTMENT. THUS,

IT WILL BE UP TO THE POSTS TO CONVINCE THE INDIVIDUALS CONCERNED THAT, WHILE WE ARE CONCERNED AND SYMPATHETIC REGARDING THEIR WELFARE AND THE REALIZATION OF THEIR HUMAN RIGHTS, EFFORTS TO SIT-IN OR OTHERWISE UTILIZE AMERICAN DIPLOMATIC AND CONSULAR FACILITIES TO PROMOTE THEIR OBJECTIVES ARE SELF-DEFEATING.

6. IT IS ACKNOWLEDGED THAT IN SOME INSTANCES INVOLVING, FOR EXAMPLE, PEOPLE SEEKING EMIGRATION TO THE UNITED STATES, THE USG AND SPECIFICALLY THE EMBASSY MIGHT BE ABLE TO ASSIST INDIVIDUALS THROUGH DIPLOMATIC INITIATIVES. HOWEVER, IT IS CLEAR THAT ANY SUCH OFFICIAL EFFORT WILL BE COMPLICATED BY ANY CONTINUING DRAMATIC INCIDENT SUCH AS SIT-INS OR HUNGER STRIKES INSIDE EMBASSY OR CONSULATE  
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PREMISES.

7. IN ADDITION, IN ACCORDANCE WITH 2 FAM 229.1, EMBASSY SHOULD IN ALL APPROPRIATE CASES, AND WHERE CIRCUMSTANCES PERMIT, SEEK ASSURANCES FROM HOST GOVERNMENT THAT INDIVIDUALS WILL BE ACCORDED DUE PROCESS. THIS IN PART IS TO PROVIDE INCENTIVE FOR INDIVIDUALS TO DEPART EMBASSY PREMISES AND TO ESTABLISH A COMMITMENT FOR POSSIBLE REFERENCE IN SUBSEQUENT USG EFFORTS ON THEIR BEHALF, BUT, MORE FUNDAMENTALLY, TO SEEK TO OBTAIN FOR CONCERNED INDIVIDUALS THEIR BASIC HUMAN RIGHTS AND TO IMPRESS UPON HOST GOVERNMENTS OBLIGATION TO RESPECT THOSE RIGHTS. VANCE

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